

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4898

IN THE MATTER OF:

Served July 16, 1996

Investigation of Failure to Pay )  
Annual Fee and Order to Show Cause )  
Why Civil Forfeiture Should Not be )  
Assessed and Why Operating Authority )  
Should Not be Suspended or Revoked, )  
Directed to: B&W TRANSPORTATION, )  
INCORPORATED; WMATC No. 218 )

Case No. MP-96-25

Investigation of Failure to File )  
Annual Report and Order to Show )  
Cause Why Civil Forfeiture Should )  
Not be Assessed and Why Operating )  
Authority Should Not be Suspended )  
or Revoked, Directed to: B&W )  
TRANSPORTATION, INCORPORATED; )  
WMATC No. 218 )

Case No. MP-96-31

By Order No. 4881, served June 24, 1996, the Commission revoked Certificate of Authority No. 218 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to file its 1995 annual report and pay its 1996 annual fee in compliance with Articles IV and XII of the Compact, Regulations Nos. 60 and 67 and Order No. 3601, and to otherwise comply with the orders in these proceedings.

On July 1, 1996, respondent filed an application for reconsideration. Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration must state specifically the errors claimed as grounds for reconsideration. Respondent's application does not allege any error on the part of the Commission. The application therefore is denied.

However, considering that respondent has filed its annual report for 1995, paid its annual fee for 1996 and paid the civil forfeitures assessed pursuant to Orders Nos. 4810 and 4811 -- albeit belatedly -- we will reopen this proceeding on our own initiative and reinstate Certificate of Authority No. 218.<sup>1</sup>

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<sup>1</sup> See In re Rainbow Luxury Lines, Inc., No. MP-96-10, Order No. 4808 (Apr. 4, 1996) (reopening proceeding and reinstating certificate revoked for noncompliance with insurance requirements); In re Capital Tours & Transp., Inc., t/a Suburban Airport Shuttle, No. MP-95-88, Order No. 4765 (Feb. 13, 1996) (same); In re Airport Baggage Carriers, Inc., No. MP-95-69, Order No. 4659 (Sept. 6, 1995) (same).

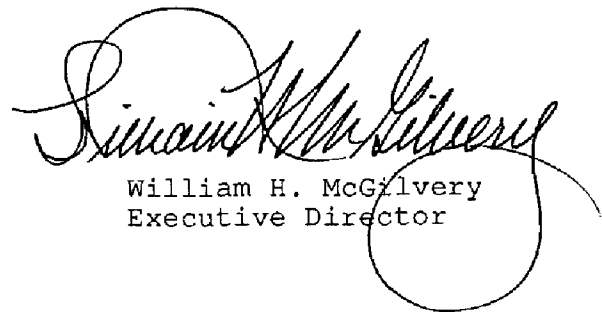
Because a carrier's failure to comply with annual report and annual fee requirements may be symptomatic of a latent, systemic failure to comply with Commission regulations in general, reinstatement will be conditioned on respondent's vehicles passing inspection by Commission staff.

THEREFORE, IT IS ORDERED:

1. That applicant shall file an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle it owns or operates and produce said vehicle(s) for inspection by Commission staff no later than August 15, 1996.

2. That upon staff's written determination that said vehicle(s) have passed inspection, Certificate of Authority No. 218 shall stand reinstated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:



William H. McGilvery  
Executive Director